

REMARKS TO NOTICE OF NON-COMPLIANT AMENDMENT

In the Notice of Non-Compliant Amendment, box number 2 having to do with Abstract and box number 4 having to do with Amendments to the Claims were checked. It is presumed that box number two was checked as applying to the remarks and both the Remarks to the Notice of Non-Compliant Amendment and the original Remarks have been started on separate sheets.

In response to the Notice of Non-Compliant Amendment as to number 4 (Amendments to the Claims), the changes have been as follows:

- A. A complete listing of all of the modifications to the Claims has been presented as part of the Amendment and also a complete listing of the status of all of the Claims has been added separately at the back of this Amendment.
- B. The separate listing of Claims now includes the text of all pending Claims (including withdrawn or cancelled Claims).
- D. Applicant is not certain as to the Notice regarding the Amendment not having been presented in ascending numerical order. The only thing applicant can take from this is that Claims 7 and 8 were omitted and they have now been included in the separate listing of Claims.
- E. All claims have been listed on a separate sheet of paper and added to this Amendment and the text of all Claims whether cancelled, new or modified has been included.

The remarks section that follows is the original remarks section to the original Amendment, which, as applicant interprets this Notice of Non-Compliant Amendment, is what is required.

Claims 4, 5 and 6 were rejected under 35 USC §112, second paragraph, as being indefinite for failure to particularly point out and distinctly claim the subject matter which applicant regards as the invention. One definition for pedestal is "any support or foundation". Keel is also defined as "a structure that resembles a ship's keel in function or shape, such as the fin extending lengthwise at the bottom of an airship". Tongues are also defined as "anything resembling the shape of a tongue". See the American Heritage Dictionary of the English Language, Houghton Mifflin Company. In the Specifications, the pedestal keel is described as extending outward from the body (page 3, lines 11, 12) and a means for holding the bracket (page 3, line 10) and is clearly shown as number 22 in Fig. 1. The pedestal tongues are described as extending outward from the body in the opposite direction (as the pedestal keel) (page 3, lines 11 – 13) and are further described as means for squaring or positioning the tool under a header (page 4, lines 20 – 21) and are clearly shown in Fig. 1 and also Figs. 2 - 4.

Applicant submits therefore the written description does clearly define the claimed term sufficient for one who is reasonably skilled in the art to understand the meaning of the term. The Examiner puts forth that the terms "pedestal keel" and "pedestal tongues" are used to mean "a cantilever on which the bracket rests". If the Examiner would accept that there is sufficient support in the application for that clarification of the definition of pedestal keel as shown in the Specification and the Drawings together, applicant would be willing to include that Examiner's suggested wording in the Specification and Claims. As far as "pedestal tongues", if the Examiner would accept the following as not adding new matter, applicant would be willing to add the following definition to the Specification "a cantilever for positioning the tool under a header".

Examiner rejected Claims 1 and 2 under 35 U.S.C. §102(b) as being anticipated by Griggs, rejected Claims 1 and 4 under 35 U.S.C. §102(b) as being anticipated by Kellenbarger, and rejected Claims 1 and 8 under 35 U.S.C. 102(b) as being anticipated by Holst. Claim 1 has been amended to include the limitations of Claims 4 and 5 and thus as amended would no longer be anticipated under 35 U.S.C. §102(b). Claim 8 would now include the limitations of Claims 4 and 5 included in amended Claim 1 and therefore would no longer be anticipated under 35 U.S.C. §102(b). Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Griggs in view of Brodeur. Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Griggs in view of what is old and well known. Claim 3 has been added as new Claim 9 and now includes the limitations of original Claims 4 and 5. Claim 7 has been amended to include the limitations of original Claims 4 and 5 and thus neither would be rejected under 35 U.S.C. §103(a).

The Examiner indicated that Claims 5 and 6 would be allowable if re-written to overcome the rejections under 35 U.S.C. §112, second paragraph, and to include all limitations of the base claim and any intervening claims. Claims 5 and 6 have been re-written to include all the limitations of the base claim and any intervening claims. Applicant has submitted his response regarding the rejection of 35 U.S.C. §112, second paragraph, however applicant is willing to include the clarification in describing the pedestal keel and the pedestal tongues as cantilevers as set out above if the Examiner determines that that would be acceptable as not adding new matter to the application.

Reconsideration and allowance of Claims 1, 5 – 10 are requested. Applicant requests a telephonic interview with Examiner as to the 35 U.S.C. §112, second paragraph, rejection if in the Examiner's view, the Claims are not in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John C. Andrade". The signature is fluid and cursive, with the first name "John" being the most prominent part.

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